

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

June 14, 2007

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at the KBRC Conference Room, 2624 Research Park Drive, Suite 304, Lexington, KY on Thursday, June 14, 2007.

MEMBERS PRESENT

Byron T. Westerfield, M.D., Chair
Klaus O. Becker, Vice-Chair
Anna J. Jones
Pat Fisher
Tami McDaniel
Abdi Vaezy, M.D.

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 5:40 p.m., in the Board's conference room, in Lexington, KY.

Minutes

Klaus Becker moved to approve the April 12, 2007 minutes; seconded by Anna Jones. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Mr. Root was on vacation and Mr. Rose gave a brief update of the CEU submission and stated everything was approved and the information was placed on the website for folks to review. It was reported Mr. Root has taken a new job and will be traveling in the future. If Mr. Root is not available for CEU approvals Pat Fisher will help review and approve the CEU's for the Board.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Ms. Lalonde advised the Board that Shirley Henderson is requesting reinstatement of her license based on the impairment program she worked outside of Mr. Fingerson's supervision. A motion was made by Klaus Becker to stand by its Agreed Order and require Ms. Henderson to petition for her license after documenting six (6) months of continued sobriety from the date she signed her KYPRN Agreement. The earliest the

KBRC would review Ms. Henderson's reinstatement request would be the October 11, 2007 meeting. The motion was seconded by Tami McDaniel and carried unanimously.

A motion was made by Tami McDaniel to require an appearance before the Board by individuals who must document and prove six (6) months of continued sobriety before their certificates may be returned. Legal counsel will include language in future orders requiring these individuals to appear before the KBRC Board to petition for reinstatement of their licenses; motion was seconded by Klaus Becker and carried unanimously.

Ms. Moore will contact Brian Fingerson for the documentation he would recommend the Board to consider on reinstatement requests by impaired individuals. The October meeting would be the earliest date any certificate holders could petition the Board for reinstatement of their certificates.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

Katrina A. Baker KY # 0208 – Agreed Order 4/20/06; Amended Order 3/16/07

Mrs. Moore updated the Board that Katrina Baker had called inquiring when she could petition the Board for reinstatement but did not put it in writing. Mrs. Moore informed Ms. Baker that the earliest she could apply for reinstatement would be late September for review by the Board at the October 11, 2007 meeting. Ms. Baker is completing another course of residential treatment at Guesthouse in Bowling Green, KY and will continue her KYPRN program with Mr. Fingerson pursuant to an order. Ms. Baker will have to document six (6) months of continued sobriety while working with KYPRN and Brian Fingerson before she may apply for reinstatement of her license.

Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06

Mr. Fingerson reports that Mrs. Barnes is doing random drug screens with negative results and she provides monthly self reports and 12-step meeting attendance logs.

Old Business

General KBRC Mailing List

Mrs. Moore requested the Board to review the cost involved for producing a mailing list of our active practitioners. Mrs. Moore stated we were not getting enough funds to cover our costs of printing, labels and postage at the present \$35 we charge for a mailing list of active practitioners. Pat Fisher made a motion to set the cost of a mailing list at \$50; seconded by Anna Jones. Motion carried unanimously.

Tami D. Balser KY # 4272 – 2007 Renewal Pending Approval

Mrs. Moore updated the Board that Tami D. Balser faxed information pertaining to an assessment from Comprehensive Care Center in April 2006. Tami McDaniel made a motion to notify Ms. Balser that this did not constitute the evaluation required by the Board and that nothing further will be done regarding her 2007 renewal until such time as she gets an appropriate evaluation. This matter will be reviewed at the August 9, 2007 meeting; seconded by Anna Jones. Motion carried unanimously.

Approval for Legal Counsel to Attend the Annual NBRC Licensure Meeting

Klaus Becker made a motion to send Cheryl Lalonde to the annual NBRC Licensure meeting along with Tami McDaniel and Mrs. Moore on September 7-9, 2007; seconded by Pat Fisher. Motion carried unanimously.

Review of U.K. Hospital Response Re Employee Licensure Checks

Mrs. Moore presented the second response from Deborah Sublett, RRT, at the University of Kentucky Medical Center in Lexington, KY. Ms. Sublett stated the respiratory department has implemented a process to ensure compliance with state licensure laws and regulations. Ms. Sublett advised the process implemented at U.K. should eliminate future occurrences of therapists working on a lapsed license.

Review of Saint Joseph Hospital Response Re Employee Licensure Checks

Mrs. Moore updated she had not received any updates from Renee R. Bullock, SPHR, Interim Director, for Employment and Associate Relations at Saint Joseph HealthCare in Lexington, KY. Ms. Bullock advised that a complete report will be forwarded to the Board upon completion of the internal review. Mrs. Moore will contact Saint Joseph for a status update.

Review of Clinton County Hospital Response Re Employee Licensure Checks

The Board reviewed material from Randel A. Flowers, PhD, Administrator, at Clinton County Hospital in Albany, KY. Mr. Flowers responded his facility had implemented policies to check current licenses of all respiratory therapists. The Board requested a letter be sent to Mr. Flowers that his timely reply is appreciated by the Board.

Lonnie Ely Case Pending In Jefferson County Court System

Mrs. Moore had information from Kathryn Reed, Agent with the Attorney General's office who had worked with the Jefferson County Commonwealth's Attorney regarding the Lonnie Ely case. Mrs. Reed informs us Lonnie Ely is scheduled in Jefferson Circuit Court on July 18, 2007 at 10:30 A.M., for Pre-Trial Conference.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Dr. Vaezy, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Anna Jones. Motion carried unanimously.

A. Mark Pierce - KY # 0936

The Board reviewed the complaint. Klaus Becker made a motion to continue the case pending the outcome of Mr. Pierce's criminal case; motion was seconded by Pat Fisher and carried unanimously.

B. Donald James - KY # 0098

The Board reviewed the complaint. Klaus Becker made a motion to continue the case pending the outcome of Mr. James's criminal case; motion was seconded by Pat Fisher and carried unanimously.

C. Mark Hinkle - KY # 1022

The Board reviewed the complaint. Klaus Becker made a motion to continue the case pending the outcome of Mr. James's criminal case; motion was seconded by Pat Fisher and carried unanimously.

D. Robert M. Taylor - KY # 1022

Klaus Becker made a motion to approve the Agreed Order for Robert M. Taylor due to a complaint filed by Bill Fell, Sr., Supervisor of Respiratory Care at University of Louisville Hospital; motion was seconded by Pat Fisher and carried unanimously.

E. David Ray Ballard - KY # 0209

Ms. Lalonde presented an Agreed Order for David Ray Ballard. The matter was tabled until the next meeting to see if Mr. Ballard signs the Order. The complaint was sent to the Board by the Cabinet for Health and Family Services, Office of the Inspector General, which involved verbal abuse of a patient while working at Hazelwood Center in Louisville, KY.

F. Edward R. Price - KY # 4682

The Board did not have a written response from Edward R. Price regarding the complaint filed against him by Connie Schulz, Director at InteliStaf Healthcare, Inc., Oakbrook Terrace, IL. Mr. Price had ample time to respond to the Board. Klaus Becker made a motion to send a second request to Mr. Price stating this would be his last opportunity to respond to the complaint or the Board would make a determination without his response; motion was seconded by Pat Fisher and carried unanimously.

New Business**KSRC Nominations for KBRC Board Members in 2007**

Mrs. Moore presented a letter from LaDawn L. Reynolds, BA, RRT, and KSRC Parliamentarian. Mrs. Reynolds copied the KBRC the nominations they forwarded to the Governor's office for appointment to the KBRC Board due by October 31, 2007. The names submitted were Wade Root, Anna J. Jones, James Bronson and Jeff Knight.

Ashley R. Jasper Request for Mandatory/Temporary Licensure

The Board reviewed Mandatory/Temporary applications from Ashley R. Jasper. The Board agreed Mr. Jasper needed to submit all court records and a narrative from Mr. Jasper on the matter for the Board to review at the August 9, 2007 meeting.

AARC Opinion Statement on Scope Covering Polysomnography

Mrs. McDaniel provided the Board as an FYI the AARC Opinion Statement on Polysomnography.

Marilyn Greever Agreed Order – Worked Four (4) Days No License

Mrs. Moore presented an Agreed Order for Marilyn D. Greever found working four (4) days without a Mandatory certificate. Mrs. Greever will pay a \$200 fine by Agreed Order on or before July 1, 2007.

Application Review

A motion was made by Pat Fisher to accept all **131** applications since the last meeting; seconded by Anna Jones. Motion carried unanimously.

The following **Student applications (15)** were approved:

Charles R. Carroll, Ashley B. Carpenter, Elizabeth M. Drake, Melissa D. Elgin, Dustin C. Dennison, Kimberly D. Hamilton, Melanie B. Hodge, Delena S. Johnson, Julie A. Lake, Brett M. Landy, Michelle R. Loney, Dagney N. Pinkston, Jacqueline R. Rainey, Thomas B. Stevens, and Vicki J. Zike.

The following **Temporary applications (17)** were approved:

Shawna L. Branham, Jaime B. Braun, Diana M. Colalella, Eric M. Harmon, Timothy R. Hill, Beverly A. Howard, Natasha A. Hunt, Margaret N. Jackson, Robert D. Kearn, Suz-Ann M. Lumpkins, Angela K. Mausert, Davina S. Reed, Kimberly A. Romes, Shanna R. Spann, Dan L. Speed, Lisa D. York and Melissa A. Zinninger.

The following **NBRC applications (89)** were approved:

Angel B. Abner, John M. Adams, Kari B. Adams, Mary L. Alsip, Gina M. Arnolds, Samuel D. Alvery, Dwight L. Austin, Amanda J. Barr, Gavin G. Bauer, Lisa M. Beck-Gregory, Timothy M. Berry, Jade M. Best, Timothy D. Bicknell, Sharon L. Bishop, Danny P. Blackburn, Leslie S. Blackburn, Kimberly Ann Burton, Lauren L. Butts,

William S. Chism, Amber N. Douglas, Vicky Douglas, Sarah L. Driskell, Ashley N. Eaton, Melissa S. Embry, Christy L. Fairchild, Rodney D. Faughn, Charles V. Fletcher, Janice M. Fogle, Korey B. Fulkerson, Heather R. Gailey, Debora Gilley, Anthony W. Girod, Carla Gibson, Winter L. Goldson, Brandy N. Gough, Kelly M. Graham, John M. Gray, Minta N. Gray, Marilyn D. Greever, Eric M. Harmon, Melia K. Harvey, Timothy R. Hill, Janice G. Hinkle, Joyce A. Hogue, Stephanie N. Jasper, Jennifer L. Johnson, Tabitha D. Jones, Jean A. Lanning, Abby Ligon, James R. Logsdon, John D. LuCerne, Bobbie J. Maggard, Amy N. Mast, Luren E. McDaniel, Elizabeth M. Milam, Tisha L. Mills, Erin M. Murray, Gail R. Neumann, Rachel N. O'Hare, Christina M. Page, Jason L. Perdue, Esther Irene Preston, Tammy D. Reid, Kari J. Richardson, Chad E. Riddle, Stacey Roberts, Lorelee A. Rogers, Phillip T. Rogers, Emilee A. Rose, Kristine E. Ryan, Jennifer C. Schaeffer, David J. Schneider, Amanda D. Shelton, Erica N. Shepherd, Luther G. Slone, Patricia K. Snyder, Brian M. Stansell, Paul D. Sublett, Randi J. Stith, Laura L. Thomas, April R. Vining, Jeanine R. Vittitow, Melanie D. Whitlock, Lauren L. Wrenn, Camilla Wunder, Thomas B. Forester, Marlene Scott, Crystal G. Harp, and Dustin T. Barnes.

The following **Reciprocity applications (10) were** approved:

Natasha K. Alexander, Douglas C. Burr, Sandra D. Dailey, Lisa R. Hall-Parker, Susan L. Lambert, Charles E. Migdol, Phylisa G. Sergeant, Chrishannon M. Forde, and Leeann S. Bray.

Anna Jones made a motion to adjourn the meeting at 8:40 p.m.; seconded by Dr. Abdi Vaezy. Motion carried unanimously.

Dr. B.T. Westerfield, Chair
KY Board of Respiratory

Care